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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF: FREEDOM OF EXPRESSION AND RELIGIOUS INTOLERANCE

Written statement* submitted by the International Centre for Human Rights and Democratic Development (Rights & Democracy), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

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*/ This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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ENG

The situation in Vietnam

Repression of freedom of opinion and expression, freedom of worship, and arbitrary detention of human rights defenders

1. Vietnam was visited by the Working Group on Arbitrary Detention in 1994, and by the Special Rapporteur on freedom of religion or belief in 1998. In his 1994 report, Mr. Louis Joinet criticized Vietnam's judicial system and recommended transparency and the rule of law. Mr. Abdelfattah Amor acknowledged in 1998 the religious persecution in Vietnam and recommended freedom of worship. No implementation has been made of these Special Rapporteurs' recommendations.

2. Vietnam is a signatory of the International Covenant on Civil and Political Rights as well as that on Economic, Social and Cultural Rights. Yet, it is repressing severely its citizens' fundamental rights, particularly freedom of worship, freedom of opinion and indigenous peoples' economic and cultural rights. Despite protests from the international community, the Vietnamese authorities continue to use arbitrary detention to stifle dissident voices, as in the application of the 31 / CP Administrative Detention Directive, issued in April 1997, allowing security officials of village levels to detain, without trial, up to 2 years, individuals discharged from hard labour camps or suspected of «threatening national security».

3. Article 69 of Vietnam's Constitution recognizes freedom of opinion, expression and association for all citizens, and article 70 recognizes religious freedom. In reality, Vietnamese citizens have been denied these freedoms in many ways:

a) The Vietnamese authorities censor its citizens' communications such as telephone, mail, and access to the internet;
b) Vietnam does not allow a free press. There are about 500 newspapers in Vietnam, but none of them are private. There is no independent publishing house. All radio and television broadcasting belong to the State;
c) Individuals who have raised their voices to demand freedom of expression, free elections, and democracy, have been arrested, imprisoned, or subjected to defamation campaigns in the media, and their families are subjected to harassment and «punishment».

4. Cases in the following list illustrate the currently ongoing persecution of human rights defenders in Vietnam:

1. Reverend Thaddeus Nguyen Van Ly, a catholic priest of An Truyen diocese in Hue city, is serving his 15-year sentence in hard labour camp Ba Sao, Nam Ha province after an unfair closed trial on October 19, 2001. This is the third time he has been imprisoned for peacefully campaigning for religious freedom in Vietnam. He founded the Interfaith Council in Vietnam with 3 other religious leaders in February 2001, and has persistently protested against religious intolerance for the last 26 years.

2. Dr. Nguyen Dan Que, a physician, is now under house arrest in Ho Chi Minh city, after 18 years of imprisonment for demanding free elections, political multiparty and respect for human rights.

3. Writer Ha Sy Phu now under house arrest in Dalat city – the second time – after imprisonment in 1995 for writing essays criticizing marxism and communism.

4. Most Venerable Thich Huyen Quang, 82 years old, Patriarch of the banned Unified Buddhist Church of Vietnam, under «administrative detention» in Nghia Hanh Pagoda, Quang Ngai province for the last 21 years, because he protested the interference of the State in religious affairs.

5. Venerable Thich Quang Do, second leader of the Unified Buddhist Church, now in detention at Thanh Minh monastery in Ho Chi Minh city, because he protested the detention of the Patriarch Thich Huyen Quang. Released from hard labour camp in 1998, he keeps writing letters to the Vietnamese government and Western democratic governments to denounce religious persecution in Vietnam.

The lists of cases documented by Amnesty International, Pen International and Human Rights Watch are very long, and the victims mentioned above are but tips of the iceberg.

Indigenous Peoples' rights violations is illustrated by the persecution of ethnic minority members of the northern and central highlands

5. The large-scale demonstrations in February 2001 in the provinces of Gia Lai, Daklak, Lam Dong were a reaction to the long standing official policy to displace ethnic minority tribes from their homeland by confiscating their ancestral lands and prohibiting the practice of their religions (protestantism and catholicism).

6. Protesters have been subjected to imprisonment, torture, their families have been harassed and threatened. Many thousands tried to seek asylum in Cambodia but most of them were captured by the Vietnamese authorities. Human Rights Watch and Amnesty International have documented and protested the forced repatriation of these refugees by the Vietnamese authorities and the Cambodian government.

7. On September 26, 2001, 14 protesters from the Jarai and Ede tribes were sentenced to lengthy imprisonment terms (6 to 12 years), after a one-day closed trial.

RECOMMENDATIONS

Vietnam should take steps to halt the discrimination against political dissidents, religious believers and members of minority groups.

1. We call upon the U.N. Commission on Human Rights to urge Vietnam to stop arbitrary detention. In particular, Vietnam has to apply international standards in the judicial system and revoke the 31 / CP Administrative Detention Directive and release from detention all victims of persecution in the above-mentioned list, and other peaceful citizens who demand recognition of their basic rights by the Constitution of Vietnam.

2. We call upon the Special Rapporteur on freedom of religion or belief to undertake a follow-up visit to Vietnam and call upon the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on human rights and fundamental freedoms of indigenous peoples' and the Special Representative of the Secretary-General on the situation of human rights defenders. to visit Vietnam and investigate the human rights situation.

International media and human rights NGOs' reports need to be confirmed by U.N. Special Rapporteurs in order to educate public opinion on Vietnam's human rights record and help reduce the persecution of the Vietnamese people by their own government.

3. We call upon the U.N. High Commissioner for Refugees to seek a more far-reaching solution to the exodus of ethnic minority members from Vietnam, mainly by urging Vietnam to stop discrimination against ethnic minorities, to respect their economic rights, and to stop the persecution of montagnard religious leaders and believers. Monitoring of the indigenous people's conditions in Vietnam by the United Nations would be important to prevent the recurrence of persecution.